

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

DIANE P. FRANCE, M.D.  
RESPONDENT.

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FINAL DECISION AND ORDER

0006022

Division of Legal Services and Compliance Case No. 18 MED 187

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Diane P. France, M.D.  
2302 East Edgewood Avenue  
Milwaukee, WI 53211

Wisconsin Medical Examining Board  
P.O. Box 8366  
Madison, WI 53708-8366

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190  
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Medical Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Diane P. France, M.D. (DOB July 14, 1956), is licensed by the State of Wisconsin to practice medicine and surgery, having license number 63040-20, first issued on September 29, 2014, with registration current through October 31, 2019.
2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2302 East Edgewood Avenue, Milwaukee, Wisconsin 53211.
3. In March 2018, an anonymous letter was sent to the Wisconsin Board of Nursing (Nursing Board) alleging excessive opioid prescribing to the writer's child by R.F., an Advanced

Practice Nurse Prescriber. The letter included a Prescription Drug Monitoring Program (PDMP) report showing the R.F.'s two year history of controlled substance prescribing to Patient A, a then 35 year-old female.

4. On April 22, 2018, Respondent emailed the Department to report a nurse practitioner who had been prescribing large amounts of oxycodone, amphetamine and fentanyl patches to her patient. The nurse practitioner was identified as R.F., the same subject as the March 2018 anonymous letter to the Nursing Board.

5. On May 14, 2018, in a telephone interview with a Department investigator, Respondent admitted that the patient referred to in her April 22, 2018 correspondence (Patient A) was not in fact her patient, and that she obtained Patient A's health information by accessing the PDMP without Patient A's consent or other lawful authority.

6. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.02(3) and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent Diane P. France, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(d) by failing to comply with state and federal laws regarding access to patient health care records.

3. As a result of the above conduct, Diane P. France, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Diane P. France, M.D., is REPRIMANDED.

3. Within 90 days from the date of this Order, Diane P. France, M.D., shall pay COSTS of this matter in the amount of \$ 455.38.

4. Required submissions and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services Monitor) shall be sent by Licensee to the Department Monitor online via the Department's Monitoring Case Management System at <https://app.wi.gov/DSPSMonitoring> or to the address below:

Department Monitor  
Division of Legal Services and Compliance

Final Decision and Order  
In the matter of disciplinary proceedings against  
Diane P. France, M.D., Case No. 18 MED 187

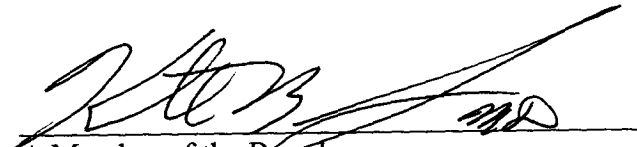
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

5. In the event Respondent violates any term of this Order, Respondent's license (no. 63040-20) or Respondent's right to renew her license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

6. This Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

by:

  
A Member of the Board

  
Date

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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

DEPT. OF SAFETY AND PROFESSIONAL SERVICES  
DIV. OF LEGAL SERVICES AND COMPLIANCE

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

DIANE P. FRANCE, M.D.,  
RESPONDENT.

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STIPULATION

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Division of Legal Services and Compliance Case No. 18 MED 187

Respondent Diane P. France, M.D. and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

Stipulation

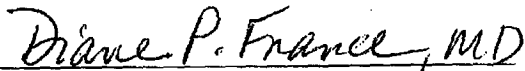
In the matter of disciplinary proceedings against  
Diane P. France, M.D., Case no. 18 MED 187

of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

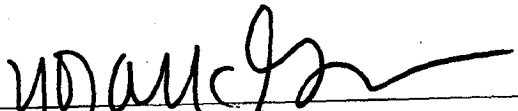
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Diane P. France, M.D., Respondent  
2302 East Edgewood Avenue  
Milwaukee, WI 53211  
License no. 63040-20

12-6-18

Date



Yolanda McGowan, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

12/11/18

Date